

City of Cotati Locally Adopted Energy Standards Approval

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Action Requested of Efficiency Policy Committee: Committee approval to bring this item before the full California Energy Commission for consideration and approval.

Business Meeting Date: July 13, 2011

Background: The California Public Resources Code establishes a process that allows cities or counties to adopt and enforce locally adopted energy standards that are more stringent than the statewide standards. This process, described in Section 25402.1(h)(2) and the *2008 Building Energy Efficiency Standards*, Title 24, Part 1, Section 10-106 (Standards), allow cities or counties to adopt new versions of the Standards before their statewide effective date (early adoption), require additional energy efficiency measures, or set more stringent energy budgets. The governing body of the city or county is required to make a determination that the standards are cost effective and adopt the findings at a public meeting. The city or county is required to file this determination of cost effectiveness with the Energy Commission. The Energy Commission must find that the standards will require the diminution of energy consumption levels permitted by the current Standards. The proposed local ordinance cannot be enforced until it is approved by the Energy Commission.

March 29, 2011, the City Council of the City of Cotati submitted an application for approval for their local energy standards (Ordinance Adding Chapter 14.04.130 to the Municipal Code) which will meet or exceed the *2008 Building Energy Efficiency Standards (Title 24, Part 6 of the California Building Standards)*. The ordinance requires the enforcement of the Optional Tier 1 requirements of the *California Green Building Standards Code (Title 24, Part 11 of the California Building Code)* made mandatory by this Ordinance.

Newly constructed residential buildings, additions to existing residential buildings over 500 square feet and alterations to 50 percent or greater of existing residential buildings must exceed the building energy efficiency requirements of Title 24, Part 6 by 15 percent, meet Title 24, Part 11 Tier 1 Cool Roof requirement for residential buildings, and select four energy efficiency elective measures from Title 24, Part 11 Appendix A4. These measures could be the same rules that are used to comply with the requirement to exceed Title 24, Part 6 by 15 percent, so they may or may not result in additional energy savings.

Newly constructed nonresidential buildings, additions to existing nonresidential buildings over 1,800 square feet and alterations to 50 percent or greater of existing nonresidential buildings must exceed the requirements of Title 24, Part 6 by 15 percent and meet the Title 24, Part 11 Tier 1 Cool Roof requirement for nonresidential buildings. The cool roof measure may be included in the measures needed to show compliance with the requirement to exceed the energy efficiency of Title 24, Part 6 by 15 percent, and may

not result in additional energy savings. While additional elective measures are required for Title 24, Part 11 Tier 1 for nonresidential buildings from Appendix A5, they are not specifically intended to affect the energy efficiency of the building.

In adopting this ordinance, the City of Cotati expressly increased the scope of the 15 percent savings requirement from the newly constructed buildings scope of Title 24, Part 11 to apply also to additions and alterations to existing buildings as specified above.

A detailed summary of the proposed local energy standards is provided in Attachment A. The complete application including the full proposed ordinance and cost effectiveness analysis will be made available on the Energy Commission web site upon Energy Commission approval of the proposed ordinance.

The City of Cotati has been informed that the approved ordinance will be enforceable while the *2008 Building Energy Efficiency Standards (Title 24, Part 6 of the California Building Code)* is in effect and upon the effective date of the next update to Title 24, Part 6, the City of Cotati will be required to resubmit an application for local energy standards under Public Resources Code Section 25402.1(h)(2) and Section 10-106 of Title 24, Part 1.

Justification for Action Requested: Energy Commission staff has found that the application meets all requirements under Public Resources Code Section 25402.1(h)(2) and Section 10-106 of Title 24, Part 1. Energy Commission staff believes that the City of Cotati is to be commended for seeking to achieve the energy savings that result from their local energy ordinance.

Pros: If complied with as anticipated, the local ordinance will achieve additional energy savings beyond Title 24, Part 6. The City of Cotati is endeavoring to be a national leader by adopting this ordinance and keeping ahead of the requirements of the statewide standards. Its approval indicates the Energy Commission's support for this goal and for active enforcement of both the local ordinance and the statewide standards.

Cons: A possible con is that builders will react negatively to the local variation of requirements or additional costs that may result from complying with the local ordinance.

What Happens Next: Staff will bring the ordinance to the July 13, 2011 Business Meeting for approval.

Summary of City of Cotati Energy Ordinance

1. Requirements for Residential Buildings

- a. Newly Constructed Buildings, additions to existing buildings over 500 square feet and alteration of 50% or more of existing buildings
 - i. Must demonstrate compliance with Title 24, Part 6¹.
 - ii. Must demonstrate compliance with Title 24, Part 11².
 - iii. Must demonstrate compliance with Title 24, Part 11 Tier 1³, including:
 - 1. Must demonstrate that the building exceeds the energy efficiency requirements of Title 24, Part 6 by at least 15%.
 - 2. Must demonstrate compliance with the Cool Roof Requirements of Appendix Chapter A4 of Title 24, Part 11.
 - 3. Must select and demonstrate compliance with four of the energy efficiency electives of Appendix Chapter A4 of Title 24, Part 11.

Results in energy efficiency improvement of 15% compared to Title 24, Part 6.

2. Requirements for Non Residential Buildings

- a. Newly Constructed Buildings, additions to existing buildings over 1,800 square feet and alteration of 50% or more of existing buildings
 - i. Must demonstrate compliance with Title 24, Part 6.
 - ii. Must demonstrate compliance with Title 24, Part 11.
 - iii. Must demonstrate compliance with Title 24, Part 11 Tier 1, including:
 - 1. Must demonstrate that the building exceeds the energy efficiency requirements of Title 24, Part 6 by at least 15%.
 - 2. Must demonstrate compliance with the Cool Roof Requirements of Appendix Chapter A5 of Title 24, Part 11.

Results in energy efficiency improvement of 15% compared to Title 24, Part 6.

3. Other Requirements

- a. The City of Cotati has made a written commitment to enforce compliance with their locally adopted energy standard and Title 24, Part 6.

¹ **Title 24, Part 6:** Refers to the 2008 Building Energy Efficiency Standards (Title 24, Part 6) of the California Code of Regulations.

² **Title 24, Part 11:** Refers to the 2010 Green Building Standards (Title 24, Part 11) of the California Code of Regulations.

³ **Tier 1:** Refers to the voluntary requirements of the Tier 1 portion of the 2010 California Green Building Standards Title 24, Part 11 Appendix A4 and Appendix A5.